

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: December 21, 2005 - MAR Division: County Attorney

Bulk Item: Yes X No Department: County Attorney

Staff Contact Person: Susan Grimsley

AGENDA ITEM WORDING:

Approval of a Resolution authorizing the County Administrator to allow recreational vehicles, travel trailers and mobile homes as temporary shelter on County owned property for residents displaced from their homes by Hurricane Wilma and exempting this temporary shelter from the prohibition against camping on county owned property.

ITEM BACKGROUND:

Monroe County Code Sec. 19-102.5(b) prohibits camping on county owned property. Presently, there are several recreational vehicles at the Marathon Airport. There may be a need for other sites owned by the County. The County Attorney would like the BOCC to clarify that the temporary use of county owned property for displaced residents of Monroe County is exempt from the prohibition as an exception allowed under Sec. 19-102.5(e)(2).

PREVIOUS RELEVANT BOCC ACTION:

Passage of Ordinance No. 020-2004 prohibiting camping on county owned property, and providing for an exception for any facility, site, or location designated by resolution or ordinance of the BOCC.

CONTRACT/AGREEMENT CHANGES:

N/A

STAFF RECOMMENDATIONS:

Approval of resolution.

TOTAL COST: \$ N/A BUDGETED: Yes No

COST TO COUNTY: \$ N/A SOURCE OF FUNDS:

REVENUE PRODUCING: Yes No AMOUNT PER MONTH Year

APPROVED BY: County Atty X OMB/Purchasing Risk Management

DIVISION DIRECTOR APPROVAL: John R. Collins 12/06/05
JOHN R. COLLINS, COUNTY ATTORNEY

DOCUMENTATION: Included X Not Required

DISPOSITION: AGENDA ITEM #

RESOLUTION NO. ____-2005

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, ALLOWING THE PLACEMENT OF RECREATIONAL VEHICLES, TRAVEL TRAILERS AND MOBILE HOMES AS TEMPORARY SHELTER ON COUNTY OWNED PROPERTY FOR HOUSING PERSONS DISPLACED BY HURRICANE WILMA AND EXEMPTING THIS PLACEMENT FROM THE PROHIBITION AGAINST CAMPING ON COUNTY OWNED PROPERTY

WHEREAS, Hurricane Wilma struck the Florida Keys on October 24, 2005, causing wind and flood damage and destruction of homes and property; and

WHEREAS, many of the residents in Monroe County were immediately left without housing; and

WHEREAS, many more Monroe County residents were left without housing after their homes became uninhabitable from mold and deterioration from exposure to the elements; and

WHEREAS, the Monroe County Board of County Commissioners recognizes the need for alternative lodging for its displaced residents which may consist of recreational vehicles, travel trailers and mobile homes not permanently installed, all of which are considered temporary shelter; and

WHEREAS, in many cases, there is no room on the property where the residents were living to place alternative lodging or temporary shelter facilities; and

WHEREAS, the occupancy of temporary shelter, however substantial, may be construed as "camping" as defined in Sec. 19-102.5(a)(1) as follows:

"(1) Camp or camping means to pitch or occupy a tent or other temporary shelter for sleeping or other habitation purposes.";

and

WHEREAS, there is a prohibition against camping on county owned property contained in Section 19-102.5 of the Monroe County Code; and

WHEREAS, Section 19-102.5(e)(2) provides that the prohibition against camping on county property does not apply to any facility, site, or location designated by resolution or ordinance of the Board of County Commissioners; and

WHEREAS, pursuant to Sec. 2-1(a) of the Monroe County Code and Florida Statute Sec. 125.74(g) the county administrator has the duty and responsibility to supervise the care and custody of all county property;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY:

1. That the County Administrator or his designee may designate appropriate county owned property as exempt from Sec. 19-102.5(b) of the Monroe County Code prohibiting camping on county owned property.
2. That this exemption is only for the purpose of placement of recreational vehicles, travel trailers and mobile homes for residents of Monroe County displaced from their homes by Hurricane Wilma.
3. That this resolution is hereby approved retroactively to October 24, 2005, and applies only to those residents of Monroe County displaced by Hurricane Wilma who have applied and been given permission to use the County's property by the County Administrator or his designee.
4. That this exemption does not apply to tents or any temporary shelter without a holding tank for waste water or sewage, or any other kind of shelter unless supplied by a governmental agency also providing sanitary facilities.
5. That this exemption from the provisions prohibiting camping on county owned property shall end when the County Administrator determines that there is no longer a need for the temporary shelter.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of the Board held on the ____ day of _____, 2005.

Mayor Charles "Sonny" McCoy
Mayor Pro Tem Murray Nelson
Commissioner George Neugent
Commissioner David Rice
Commissioner Dixie Spehar

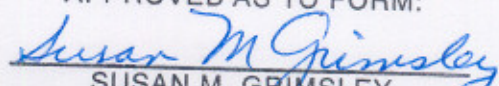
Attest: DANNY L. KOLHAGE, CLERK

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Mayor

(SEAL)

MONROE COUNTY ATTORNEY
APPROVED AS TO FORM:

SUSAN M. GRIMSLEY
ASSISTANT COUNTY ATTORNEY